

### **REMARKS**

The Non-Final Office Action mailed April 1, 2010 has been reviewed and the comments therein were carefully considered. Claims 106-108, 110, 112-116, 119-121, 124, 125, 127, 129 and 144-156 are pending in this application. Claims 106-108, 110, 112-116, 119-121, 124, 125, 127, 129 and 144-148 are rejected. Claims 149-156 are objected to. Claims 109, 111, 117, 118, 122, 123, 126, 128 and 130-143 were previously cancelled. Through this Amendment, claims 106, 113, 120, 125 and 144 are amended, claims 149-156 are cancelled, and new claims 157-177 have been added. No new subject matter has been added.

#### **Objections to the Claims**

Claims 149-156 are objected to because of certain formalities. Applicants thank the Examiner for noticing the inadvertent typographical error. Through this amendment, Applicants cancel claims 149-156, thereby mooted the objections. For purposes of clarification, however, Applicants note that "claim 152" in these remarks refers to the claim previously incorrectly numbered as the second claim 151. Similarly, in these remarks "claim 153" refers to the claim previously numbered 152, "claim 154" refers to the claim previously numbered 153, "claim 155" refers to the claim previously numbered 154, and "claim 156" refers to the claim previously numbered 155.

#### **Allowable Subject Matter**

The Office Action rejected claims 106-108, 110, 112-116, 119-121, 124, 125, 127, 129 and 144-148, but indicated that each of claims 149-156 would be allowable if rewritten in independent form to include all of the limitations of its base claim and any intervening claims. Applicants acknowledge with thanks this indication of allowable subject matter.

Without prejudice to pursue any of the rejected claims in one or more related applications, Applicants hereby:

- (1) Amend independent claims 106, 113, 120, and 144 to each recite that the "optical properties changing unit [is] slidably integrated" with the housing. Specifically,

independent claim 106 has been amended to recite the subject matter of claim 149,<sup>1</sup> independent claim 113 has been amended to recite the subject matter of claim 151,<sup>2</sup> independent claim 120 has been amended to recite the subject matter of claim 153, and independent claim 144 has been amended to recite the subject matter of claim 155.<sup>3</sup>

- a. Therefore, Applicants respectfully submit that independent claims 106, 113, 120, and 144 are allowable for at least the reason set forth in the Office Action.
  - b. Applicants further respectfully submit that claims 107-108, 110, 112, and 145, which depend from claim 106, are allowable for at least the same reason that claim 106 is allowable, claims 114-116, 119, and 146, which depend from claim 113, are allowable for at least the same reason that claim 113 is allowable, and claims 121, 124 and 147, which depend from claim 120, are allowable for at least the same reason that claim 120 is allowable.
- (2) Cancel claims 149, 151, 153, and 155 in view of the amendments to independent claims 106, 113, 120, and 144, respectively.
- (3) Amend claim 125 to include the subject matter of claim 149. Specifically, claim 125 has been amended to indicate a method wherein the optical properties changing unit is “slidably integrated.”
- a. Therefore, Applicants respectfully submit that claim 125 is allowable for at least the reasons set forth in the Office Action. Applicants further respectfully submit that claims 127, 129, and 148, which depend from claim 125, are allowable for at least the same reason that claim 125 is allowable.
- (4) Add new claim 157 which combines the subject matter of claim 106 and 150, which was indicated to be allowable by the Office Action. Specifically, claim 157 recites that the optical properties changing unit is “rotatably” integrated with the housing.
- a. Therefore, Applicants respectfully submit that claim 157 is allowable for at least the same reason that claim 150 was deemed allowable.

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<sup>1</sup> Claim 106 has also been amended to recite “and” just prior to the last element of the claim.

<sup>2</sup> Claim 113 has also been amended to provide a period (“.”) at the end of the claim.

<sup>3</sup> Claim 144 has also been amended to recite “and” just prior to the last element of the claim.

- (5) Add new claims 158-162 which closely resemble the subject matter of claims 107-108, 110, 112, and 145.
  - a. Therefore, Applicants respectfully submit that claims 158-162 are allowable for at least the same reason that claims 107-108, 110, 112, and 145 are allowable.
- (6) Add new claim 163 which combines the subject matter of claim 113 and 152, which was indicated to be allowable by the Office Action. Specifically, claim 163 recites that the optical properties changing unit is “rotatably” integrated.
  - a. Therefore, Applicants respectfully submit that claim 163 is allowable for at least the same reason that claim 152 was deemed allowable.
- (7) Add new claims 164-168 which closely resemble the subject matter of claims 114-116, 119 and 146.
  - a. Therefore, Applicants respectfully submit that claims 164-168 are allowable for at least the reason that claims 114-116, 119 and 146 are allowable
- (8) Add new claim 169 which combines the subject matter of claim 120 and 154, which was indicated to be allowable by the Office Action. Specifically, claim 169 recites that the optical properties changing unit is “rotatably” integrated.
  - a. Therefore, Applicants respectfully submit that claim 169 is allowable for at least the same reason that claim 154 was deemed allowable.
- (9) Add new claims 170 - 172 which closely resemble the subject matter of claims 121, 124, and 147.
  - a. Therefore, Applicants respectfully submit that claims 170 - 172 are allowable for at least the reason that claims 121, 124, and 147 are allowable.
- (10) Add new claim 173 which combines the subject matter of claim 144 and 156, which was indicated to be allowable by the Office Action. Specifically, claim 173 recites that the optical properties changing means is “rotatably” integrated.
  - a. Therefore, Applicants respectfully submit that claim 173 is allowable for at least the same reason that claim 156 was deemed allowable.
- (11) Add new claim 174 which combines the subject matter of claim 125 and 150. Specifically, claim 174 recites a method wherein the optical properties changing unit is “rotatably integrated.”

- a. Therefore, Applicants respectfully submit that claim 174 is allowable for at least the reason set forth in the Office Action that claim 150 was allowable.
- (12) Add new claims 175-177 which closely resemble the subject matter of claims 127, 129, and 148.
- a. Applicants further respectfully submit that claims 175-177, which depend from claim 174, are allowable for at least the same reason that claim 174 is allowable.
- (13) Cancel the remaining claims to expedite prosecution. In this regard, Applicants respectfully disagree with the Examiner's interpretation of the cited reference, however, cancellation of the claims herein is performed to more quickly advance prosecution on allowable subject matter and, therefore, is done without prejudice.

### **CONCLUSION**

The Applicant respectfully requests consideration of the application and allowance of all pending claims. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

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